

Application Serial No.: 10/655,960  
Amendment and Response to June 19, 2007 Non-Final Office Action

## REMARKS

Claims 1 – 4, 6 – 13, 16 – 17, 21 and 24 – 25 are in the application. Claims 1, 4, 8, 15, 17, 21 and 24 – 25 have been amended and claims 5, 14, 15 18 – 20, 22 and 23 have been cancelled. Claim 1 is the sole independent claim herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

### Claim Rejections

Claim 17 is currently rejected under 35 U.S.C. §112. Claims 1 – 5, and 21 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,614,786 ("Byers"). Claims 6 – 7, 8 – 10, 14, 18 – 20, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Byers in view of U.S. Patent No. 6,696,943 ("Goodrich"). Reconsideration and withdrawal of the rejections are respectfully requested.

### §112 Rejection

Claim 17 has been amended according to the Examiner's helpful suggestion. Withdrawal of the §112 rejection is requested.

### §102/§103 Rejections

Amended independent claim 1 recites a dual mode packet phone that comprises a first connector to connect the phone with a data network, a second connector to connect the phone with a backup network, a communications channel, a backup switch, and a control unit. The data network is a digital Voice-over-IP Ethernet network and the backup network is an analog network or a digital time division multiplexing (TDM) network. The communications channel sends a communication signal and the backup switch connects the communications channel to the first connector or the second

connector. Moreover, the control unit monitors a first connection attempt initiated on the data network and, if a response to the first connection attempt is not received within a predetermined time, the control unit controls the backup switch to disconnect the communications channel from the first connector and connects the communication channel to the second connector.

The art of record cannot be seen to disclose or to suggest the above-mentioned features of amended independent claim 1. In particular, the art of record cannot be seen to disclose or to suggest a first connector to connect a phone with a data network, a second connector to connect the phone with a backup network, and a control unit to control a backup switch to disconnect a communications channel from the first connector and to connect the communication channel to the second connector.

Byers discloses a dual mode Internet phone 10 that is connected only to plain old telephone system (POTS) line 12. Relay 15 may selectively connect POTS line 12 to either Internet line 18 of phone 10 or standard telephone line 16 of phone 10. Telephone line 16 of phone 10 is connected to POTS line 12 in order to operate telephone 10 in a standard telephone mode and Internet line 18 of phone 10 is connected to POTS line 12 in order to operate telephone 10 in an Internet mode. See col. 3, lines 45-52. In both the standard telephone case and the Internet case, phone 10 is connected to the POTS network of POTS line 12. Accordingly, Byers does not disclose or suggest two different connectors to selectively connect phone 10 to two different networks.

In view of the foregoing, nowhere can Byers be seen to disclose or to suggest a first connector to connect a phone with a data network, a second connector to connect the phone with a backup network, and a control unit to control a backup switch to disconnect a communications channel from the first connector and to connect the communication channel to the second connector. Amended independent claim 1 and its related dependent claims are therefore believed to be in condition for allowance.

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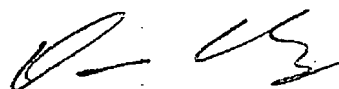
### CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (408) 492-5336.

Respectfully submitted,

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Date



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